IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1427 OF 2007

Sanjay Balabhai Bharwad. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Thomas Jacob, Adv. for the Applicant.
Mr.K.V.Saste, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 19th June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.223 of 2006 of M.H.B. Colony Police Station.

3. The case was initially registered under Section 324 of IPC, however, later on as the injured person i.e. Vinod Kumar died the case was converted to Section 302 of IPC. It is the case of the prosecution that on account of a quarrel which arose on account of taking water from the common water tap, this incident had occurred and during the incident the present applicant and three others assaulted Vinod Kumar with bamboos. Vinod Kumar sustained injuries and thereafter he died on account of the said injuries.

4. The incident has taken place during a sudden quarrel. Looking to the statements of witnesses, *prima facie*, I find much merit in the submission that the case would not fall under section 302 of IPC and at the most it would fall under Section 304(ii) of IPC. The applicant is a young boy of 18 years and he is taking education. Besides the present case, the applicant has a clean record. Hence, I am inclined to grant bail to the applicant.

5. The applicant - Sanjay Balabhai Bharwad to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the said amount. The applicant shall not enter within the jurisdictions of MHB Colony Police Station, Charkop Police Station, Dahisar Police Station and Boriwali Police Station, till conclusion of the trial. Before being released on bail the applicant shall inform the officer of MHB Colony Police Station the address at which he will reside during the period that he is on bail. The applicant shall report to the nearest police station to that address once in a week till conclusion of the trial.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)